

OGC Has Reviewed

OGC 73-2204

29 November 1973

MEMORANDUM FOR: [REDACTED]

STATINTL

SUBJECT : Employment After Retirement

REFERENCE : Your memorandum to Office of General
Counsel, Subj: Possible Conflict of
Interest, dtd 21 Nov 73

1. In the referenced memorandum you requested the opinion of this Office as to whether the employment you contemplate after you retire from the Agency would be prohibited by the conflict of interest statutes. We understand that you have been employed by the Agency as an Administrative Officer in a general support capacity for approximately the last twelve years. Prior to that you acted as a Cover Officer for two years, as a Training Assistant for three years, and as an Administrative Assistant and Clerk for five years.
2. In more specific terms, the majority of your duties have consisted of serving at various administrative levels at a number of Agency posts, both domestically and overseas. In these assignments you have been responsible to varying degrees for travel, supply, security, personnel and other support matters.
3. It is our understanding that after your employment you plan to accept employment as an officer of a Puerto Rican firm, which is primarily engaged in the field of industrial sand-blasting and painting. Some of the firm's work involves work for the U.S. Government, principally the U.S. Navy.

4. The United States Code at 18 U.S.C. 207(a) and (b) contains post-employment prohibitions applicable to persons who have ended service as officers or employees of the Executive Branch, the independent agencies or the District of Columbia, including special Government employees.

5. Subsection (a) of section 207 bars the former employee for life from acting as an agent or attorney for anyone other than the United States in connection with certain matters involving a specific party or parties in which the United States is one of the parties or has a direct and substantial interest and in which the former employee participated personally and substantially as an employee of the Government.

6. Subsection (b) of section 207 creates a one-year bar against personal appearance as an agent or attorney before a court or Executive Branch for anyone other than the United States in connection with certain matters involving a specific party or parties in which the United States is a party or directly and substantially interested and which was under the official responsibility of the former employee at any time within one year prior to the termination of such responsibility.

7. Given the above, and particularly in view of your assurance that your Agency duties and responsibilities had no connection, even remotely, with your proposed employment following retirement, it is our opinion that that employment will not involve you with "particular matters involving a specific party or parties" in which you either participated personally and substantially or over which you had any official responsibility while an Agency employee. Rather, your proposed employment will involve new and completely separate matters, and therefore, is not prohibited by 18 U.S.C. 207.

STATINTL



Office of General Counsel

OGC:JED:cap

Original - Addressee

- OGC Subj: CONFLICT OF INTEREST

1 - JED Signer

09/73-2175

UNITED STATES GOVERNMENT

Memorandum

JED

STATINTL

TO : Office of the General Counsel

DATE: 21 November 1973

Attn : [REDACTED]

FROM : [REDACTED]

SUBJECT: Possible Conflict of Interest

1. In accordance with our conversation of 20 November, I am addressing this memo to you for a review of any possible conflict of interest that might be entailed in the business venture I am entering following my retirement from CIA in December 1973.

2. I plan to go to Puerto Rico and work with a friend in the industrial sand blasting and painting business. Some of our business will entail bidding on U.S. Government contracts, principally with the Navy, on jobs for which our firm is qualified. I would appreciate your opinion on whether my government service places any restriction upon my activities in this new endeavor.

3. Thank you for your assistance in this matter.

X5276

STATINTL

